

REGULAR MEETING
December 13, 1993

The Regular Meeting of the Annapolis City Council was held on Monday, December 13, 1993 in the Council Chamber. Mayor Hopkins called the meeting to order at 8:10 p.m. Alderman Gilmer offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke, Planning and Zoning Director Fogarty, Public Works Director Patmore

Alderman Gilmer moved to approve the Minutes of 10/4/93, 11/8/93, 11/18/93 and 11/22/93. Seconded. CARRIED on voice vote.

David Hoffberger and Jean Whistle, Co-Chairs, Southern Maryland Branch of the National Multiple Sclerosis Society of Maryland, presented a plaque to the City of Annapolis in recognition of the cooperation and assistance by the City of Annapolis in the fight against multiple sclerosis. Mr. Alonso Brown of the Annapolis Housing Authority was also presented with a plaque for his commitment to the fight against multiple sclerosis. Mayor Hopkins presented a Certificate of Distinguished Citizenship to Alonso Brown.

Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-509(c)(2), this statement is included in these minutes:

A closed session of the City Council was held at 7:00 p.m., Monday, December 13, 1993, in the City Attorney's Office.

Members Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer, City Attorney Goetzke, Jonathan A. Hodgson, Fire Chief Sherlock, Police Chief Robbins, City Administrator Mallinoff and City Clerk Bembe.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a)(1)(i). The purpose of the meeting was the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. The session was closed by unanimous consent. The following action was taken:

1. P o l i c e D e p a r t m e n t P r o m o t i o n s :

Following discussion, Alderman Gilmer moved to support the decision of the Police Chief and to proceed with the case entitled David Darrell, et al. v. The Mayor and Aldermen of the City of Annapolis, et al., Circuit Court for Anne Arundel County, Case No. C-93-8853. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Moyer

NAYS: Aldermen Turner, DeGraff

CARRIED: 7-2

2. Fire Department Transfers:

Following discussion, Alderman Gilmer moved to support the decision of the

Fire Chief. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer,
Tullier, Turner, DeGraff
NAYS: Aldermen Snowden, Moyer
CARRIED: 7-2

There being no voiced objection, the order of the Agenda was amended to allow a Business and Miscellaneous item.

BUSINESS AND MISCELLANEOUS

1. Record Plat - Blue Heron Cove, Phase II

Alderman DeGraff moved to approve the record plat of Blue Heron Cove, Phase II. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, Turner, DeGraff, Moyer
CARRIED: 9-0

The regular order of the Agenda was resumed.

PUBLIC HEARINGS

1. Application of Annapolis Signworks to install a single face building wall sign 3' by 30' for a total of 90 square feet at Better Boat Company, 918 Bay Ridge Road, Annapolis.

Planning and Zoning Director Fogarty gave a brief report.

Paul Shaplin, Annapolis Signworks, gave a brief presentation.

No one from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins declared the public hearing closed.

There being no voiced objection, the order of the Agenda was amended to allow a Business and Miscellaneous item.

BUSINESS AND MISCELLANEOUS

2. Application of Annapolis Signworks to install a single face building wall sign 3' by 30' for a total of 90 square feet at Better Boat Company, 918 Bay Ridge Road, Annapolis.

Alderman DeGraff moved to approve the application of Annapolis Signworks to install a single face building wall sign 3' by 30' for a total of 90 square feet at Better Boat Company, 918 Bay Ridge Road, Annapolis. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, Turner, DeGraff, Moyer
CARRIED: 9-0

The regular order of the Agenda was resumed.

PUBLIC HEARINGS

2. Application of Forest Drive Development Corporation/Rick Polm, President for a conditional use to establish a planned unit development (known as Oxford Landing) consisting of 162 residential units on property located at Yawl Road/Aris T. Allen Boulevard, Annapolis.

Planning and Zoning Director Fogarty, Deputy Planning and Zoning Director Arason and Development Review Coordinator Smith presented background reports on the application.

Planning and Zoning Commission Chair Scott presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Planning and Zoning Commission from the Planning and Zoning Director dated 11/12/93 together with a Memorandum to the Annapolis City Council from the Planning and Zoning Commission dated 12/2/93.

Alan Hyatt, 1919 West Street, attorney for the applicant, gave a presentation. The applicant, Rick Polm, President, Forest Drive Development Corporation, 437 Fairlane Court, Severna Park, Md., was present and answered questions addressed by the Council. Also present was Ronald W. Johnson, engineer, 2666 Riva Road, Annapolis, Md. Mr. Hyatt proffered the testimony of traffic engineer Ken Snead. Chris Coile, real estate broker, Champion Realty, spoke briefly.

Mayor Hopkins accepted into the record the following documents submitted by Mr. Hyatt:

Exhibit No. 1:	Letter of application dated 12/2/93;
Exhibit No. 1a:	Forest Drive Delineation;
Exhibit No. 1b:	Site Development dated Sept. 1993 Rev.;
Exhibit No. 1c:	Floor and elevation plans dated 2/17/93;
Exhibit No. 2:	Real estate package submitted by Chris Coile;
Exhibit No. 3:	Three page Petition.

Speaking in favor of the application:

1. Trudi McGowan
1204C Gemini Drive
Annapolis, Md. 21403
2. Michelle Hawkins
601 Cutter Court
Annapolis, Md. 21401
3. Vivian Carter
609 Cutter Court
Annapolis, Md. 21401
4. Earl Smith
613 Greenbriar Lane
Annapolis, Md. 21401

Speaking in opposition to the application:

1. Susan Klingaman
626 Cutter Court
Annapolis, Md. 21401

No one else from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins declared the public hearing closed with action to be taken at the January 10, 1994 meeting.

Mayor Hopkins announced there would be a seven day comment period and a seven day reply period for this application.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Jane Michaelson, Esquire
701 Benson Place
Baltimore, Md.
Spoke regarding the promotions in the Police Department.
2. Charles Jestor
Church Hill, Md.
Spoke regarding the Fire Department transfers.
3. Jack Nuckels
Chestertown, Md.
Spoke regarding the Fire Department transfers.
4. Tim Hines
1921 Potomac Road
Edgewater, Md. 21037
Spoke regarding the Fire Department transfers.
5. Trudi McGowan
1204C Gemini Drive
Annapolis, Md. 21401
Spoke regarding the Fire Department transfers.
6. Aliceteen Mangum
24 Silverwood Circle
Annapolis, Md. 21403
Spoke regarding the Fire Department transfers.

SPECIAL ORDER OF BUSINESS - ANNEXATION

1. **For Introduction Purposes Only**

R-58-93 For the purpose of annexing certain property lying on or near Capital Drive, contiguous to the existing boundary of the City of Annapolis.

For introduction purposes, City Attorney Goetzke read into the record Resolution R-58-93.

2. **Preliminary Review**

Annexation Petition - West Capital Associates Limited Partnership and West Hudson Street Limited Partnership - 18.375 acres located on Capital Drive.

Alderman Snowden moved that the applicants work with the Public Works and Planning and Zoning Departments to provide the necessary studies for proper consideration of this Petition. Seconded. CARRIED on voice vote.

ACTION ON APPLICATIONS AND APPEALS

R-55-93 For the purpose of approving the application of Susan L. Longo, Kenneth A.

Niefeld, trading as MedVet, Inc. for a conditional use to establish an animal hospital located at 2246 Bay Ridge Avenue, Greystone Building, in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Turner moved to adopt R-55-93. Seconded. CARRIED on voice vote. Alderman Tullier abstained.

LEGISLATIVE ACTION

1. **O-43-93** Sponsored by Mayor Hopkins

For the purpose of amending the PM Zoning District regulations; and all matters relating to said PM Zoning District.

Alderman DeGraff moved to adopt O-43-93 on second reading. Seconded. CARRIED on voice vote.

Alderman Hammond moved to adopt O-43-93 on third reading. Seconded. CARRIED on voice vote.

2. **O-55-93** Sponsored by Mayor Hopkins

For the purpose of authorizing the Annapolis City Council to grant a right-of-way over certain property adjacent to Forest Drive from Young's Farm Road to Tyler Avenue to Anne Arundel County as described in the attached Deed; and all matters relating to said right-of-way.

The Finance Committee reported favorably on O-55-93.

Alderman Turner moved to adopt O-55-93 on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-55-93 on third reading. Seconded. CARRIED on voice vote.

3. **O-56-93** Sponsored by Mayor Hopkins

For the purpose of authorizing certain civil service employees to receive certain personal leave days during 1994; and all matters relating to said personal leave days.

The Finance Committee reported favorably on O-56-93.

Alderman Turner moved to adopt O-56-93 on second reading. Seconded. CARRIED on voice vote.

Alderman Turner moved to adopt O-56-93 on third reading. Seconded. CARRIED on voice vote.

4. **O-57-93** Sponsored by Alderman Moyer

For the purpose of restricting the hours for commercial refuse collection; and all matters relating to said refuse collection.

Alderman Snowden moved to adopt O-57-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee.

5. **O-58-93** Sponsored by Mayor Hopkins

For the purpose of authorizing the lease of certain municipal property located at the City Dock to Chesapeake Bay Foundation, Inc., at a variable rate of rental each year, for the purpose of docking and mooring the vessel known as "Stanley Norman", for the purpose of operating environmental education field trips; and all matters relating to said lease.

Alderman DeGraff moved to adopt O-58-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters and Finance Committees.

6. **O-59-93** Sponsored by Alderman Hammond

For the purpose of defining neon signs; prohibiting neon and other signs in the Historic District; and all matters relating to said signs.

Alderman Turner moved to adopt O-59-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee, Historic District and Planning and Zoning Commissions.

7. **O-60-93** Sponsored by Aldermen Hammond, Tullier

For the purpose of establishing certain procedures for the Capital Improvement Program and Budget; and all matters relating to said program and budget.

Alderman Snowden moved to adopt O-60-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee and the Planning and Zoning Commission.

BUSINESS AND MISCELLANEOUS

3. **R-18-93** For the purpose of approving the application of Baltimore Gas and Electric Company for a conditional use to expand its existing "Tyler Avenue Substation" located west of the Tyler Avenue-Bay Ridge intersection in the City of Annapolis, subject to certain conditions; and all matters related to said conditional use.

Alderman Moyer moved to amend R-18-93 as follows pursuant to Memorandum and Order of Judge Bruce C. Williams dated 12/1/93:

Amendment No. 1

On Page 2, line 23, add the following:

WHEREAS, pursuant to Court Order dated 12/1/93, the City of Annapolis was required to amend certain conditions contained in Resolution R-18-93 Revised/Amended.

Amendment No. 2

On Page 3, strike lines 32 and 33 in their entirety and substitute the following:

4. A landscaping plan shall be implemented and approved with all landscaped materials installed prior to final inspection by the Departments of Planning and Zoning and Public Works to the extent that the City will allow.

Amendment No. 3

On Page 3, strike lines 42 through 46 in their entirety; on Page 4 strike lines 4 and 5 in their entirety.

Amendment No. 4

On Page 4, strike lines 8 through 12 in their entirety and substitute the following:

8. Baltimore Gas and Electric Company shall begin regular periodic monitoring upon the granting of the conditional use and these records shall be made available for inspection by the Director of Public Works upon request. The Director is further authorized to take periodic readings at any time and should a significant increase in EMF be indicated, it should be immediately reported to the Public Service Commission.

Amendment No. 5

On Page 4, strike lines 15 and 16 in their entirety and substitute the following:

9. All power lines to be established or upgraded pursuant to the plans for expansion of this substation shall be undergrounded, as required by the City, with all rights of way, land acquisition and costs of installation to be governed by the Public Service laws and regulations.

Amendment No. 6

On Page 4, strike lines 18 through 35 in their entirety.

Amendment No. 7

On Page 4, strike lines 37 through 39 in their entirety and substitute the following:

11. The use and operation of the conditional use shall be in conformance with all applicable rules, regulations and Codes including but not limited to buildings and fire codes, health and safety standards, police and zoning regulations except to the extent that such use or uses shall be deemed nonconforming in the future.

NOTE: Renumber conditions accordingly.

Seconded. CARRIED on voice vote.

Alderman Moyer moved to adopt R-18-93 Amended. Seconded. CARRIED on voice vote.

4. **R-56-93** For the purpose of extending for a certain period of time the conditional use authorization granted pursuant to Resolution R-56-93.

Alderman DeGraff moved to adopt R-56-93. Seconded. CARRIED on voice vote.

5. **R-57-93** For the purpose of declaring that the alley running between and parallel to Burnside Street and Sixth Street from Bay Ridge Avenue to Creek View Avenue in Eastport in the City of Annapolis shall be named "Howard Dignen Alley"; and all matters relating to said alley.

Alderman Snowden moved to adopt R-57-93. Seconded. CARRIED on voice vote.

6. Job Description - Property Clerk

Alderman Snowden moved to adopt the job description for the Police Department Property Clerk. Seconded. CARRIED on voice vote.

7. Economic Matters Committee Minutes of 11/4/93

Alderman Moyer moved to approve the Economic Matters Committee Minutes of 11/4/93. Seconded. CARRIED on voice vote.

8. Risk Management Committee Minutes of 11/17/93

Alderman Gilmer moved to approve the Risk Management Committee Minutes of 11/17/93. Seconded. CARRIED on voice vote.

9. Finance Committee Minutes of 12/2/93

Alderman Hammond moved to approve the Finance Committee Minutes of 12/2/93 with the exception of Budget Revision Request GT-40-94. Seconded. CARRIED on voice vote.

10. Payment of monthly bills

Alderman Hammond moved to pay the monthly bills. Seconded. CARRIED on voice vote.

11. Appointments

Alderman DeGraff moved to confirm the Mayor's appointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 11/29/93, 12/9/93, 12/10/93 and 12/13/93:

Annapolis Conservancy Board

Tamara C. Thiel

Maritime Advisory Board

Larry Belkov

Board of Appeals

Judith Billage
Richard C. Goodwin
Joseph Sachs
Victor Shelton

Recreation Advisory Board

James R. Gebbia

Human Relations Commission

Linda M. Platt

Seconded. CARRIED on voice vote.

12. Standing Committee Nominations

Alderman Snowden moved to approve the Standing Committee Nominations as set forth in a Memorandum to the Aldermen from Mayor Hopkins dated 12/13/93. Seconded. A ROLL CALL vote was taken:

YEAS:	Mayor Hopkins, Aldermen Gilmer, Tullier, Moyer
NAYS:	Aldermen Hammond, Johnson, Snowden, Turner, DeGraff
DEFEATED:	5-4

Alderman Moyer left at 11:44 p.m.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:45 p.m.

Patricia L. Bembe, CMC/AAE

City Clerk